

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 1, 1994
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:06 a.m. The meeting was recessed by Mayor Golding at 12:17 p.m. to reconvene at 2:00 p.m. The meeting was reconvened by Mayor Golding at 2:09 p.m. with Council Member Roberts not present. Mayor Golding adjourned the regular meeting at 3:28 p.m. to convene the Special Joint Council Meeting with the Redevelopment Agency.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Fishkin (mc/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present

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- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-109:

SUBJECT: Awarding a Contract for Resurfacing Various City
Streets Group "C".

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-983) ADOPTED AS RESOLUTION R-283351

Awarding a contract to Daley Corporation (San Diego)
and California Commercial Asphalt Corporation, a joint
venture, for Resurfacing Various City Streets Group "C"
- FY93; Authorizing the expenditure of \$406,484.40 from
Gas Tax Fund No. 302191, to supplement the original
funded amount of \$5,975,000 for said project and
related costs. (BID-K94056)

CITY MANAGER SUPPORTING INFORMATION:

On October 25, 1993 the Council approved the invitation for bids
for the annual street maintenance program of asphalt resurfacing
of City streets. The bids for "Resurfacing of Various City
Streets Group-C, Bid No. K-94056" were opened on December 7,
1993. The lowest bid exceeded the estimate by five percent.
Staff feels that this was due to the new specifications for
resurfacing projects. The changes to the specifications were

made to address the failure of the asphalt resurfacing work done on FY1990.

The new specifications increase the quality assurances, and places more control of the project with the City. After speaking with the bidders it was confirmed that they estimated their costs would increase more with these new specifications than staff had originally estimated. Staff feels that the bids reflect a reasonable assessment of the costs to provide improved materials, and a higher level of workmanship. Staff finds that the bidding was fair and competitive, and that re-bidding would not result in a lower price. Due to the benefit to the citizens of San Diego by the proper maintenance of the City street system, we ask for Council approval to increase the amount of this contract. The needed funds are available in the FY1994 Gas Tax resurfacing allocation. We also ask permission to award this contract to the lowest bidder so we can start the repair and improvement of the streets included in this contract.

Aud. Cert. 9400374 Rev.

FILE LOCATION: CONT-Daley Corporation (San Diego) and
California Commercial Asphalt
Corporation CONTFY94-2

COUNCIL ACTION: (Tape location: A030-078.)

MOTION BY STEVENS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-111:

SUBJECT: Inviting Bids for the Installation of Street Lights and Street Trees on Park Boulevard and Adams Avenue.

(Uptown Community Area. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-982) ADOPTED AS AMENDED AS RESOLUTION R-283354

Inviting bids for the Installation of Street Lights and Street Trees on Park Boulevard and Adams Avenue on Work

Order No. 112238; Authorizing the execution of a contract with the lowest responsible bidder; Authorizing the expenditure of not to exceed \$266,760 from CDBG Fund No. 18528 and \$246,000 from CIP-392080, University Heights Commercial Revitalization, Fund 30302, FY 1994 TransNet Bond, totaling \$512,760; Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K94086)

CITY MANAGER SUPPORTING INFORMATION:

This project is a continuation of phased public improvements along Park Boulevard and Adams Avenue in the University Heights community. It consists of the installation of streetlights and street trees. The Landscape and Lighting District was expanded and approved in July, 1993 to include this additional project area.

Aud. Cert. 9400493.

FILE LOCATION: W.O. 112238 CONT-L.R. Hubbard Construction Co. Inc. CONT FY94-1

COUNCIL ACTION: (Tape location: F240-552.)

MOTION BY KEHOE TO ADOPT AS AMENDED CHANGING ONE SECTION OF THE CONTRACT TO SHIELDED HIGH-PRESSURE SODIUM LAMPS. ACCEPT COUNCIL MEMBER ROBERTS' DIRECTIVE TO THE CITY MANAGER TO SIMPLIFY THE PROCESS BY CONSIDERING EVERYTHING SOUTH OF I-8 AND BRING BACK AT A FUTURE COUNCIL DATE. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Appeal of Nathaniel L. Cohen from the decision of the Planning Commission in approving the request for a Mission Valley Development Permit MVDP-92-0725 (Mission Terrace Apartments).

(MVDP-92-0725. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and adopt Subitem B to grant the permit:

Subitem-A: (R-94-1197) ADOPTED AS RESOLUTION R-283352

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-92-0725 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-94-1198) DENIED APPEAL/GRANTED PERMIT,
ADOPTED AS RESOLUTION R-283353

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve the permit; was opposition. The Mission Valley Unified Planning Committee has recommended approval of the permit.

SUPPORTING INFORMATION:

The appeal is being requested for a Mission Valley Development Permit MVDP-92-0725 to construct 77 affordable housing units on 3.14 acres, on the 10400 block of San Diego Mission Road in the Mission Valley Community Planning Area. The applicant is requesting a deviation for a portion of the front-yard setback to be 13 feet rather than the required 15 feet. In addition, the applicant is requesting an exception from the offsetting planes requirement for the facades adjacent to the interior court.

LEGAL DESCRIPTION:

The 3.14-acre project site is located on the north side of San Diego Mission Road between Interstate 15 and Rancho Mission Road in the Mission Valley Community Planning Area and is zoned MVR-2 (Residential) in the Mission Valley Planned District Ordinance (PDO).

NOTE: On January 11, 1994 Council voted 5 to 3 to hear the appeal. District 2 not present.

FILE LOCATION: PERM - MVPD-92-0725

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COUNCIL ACTION: (Tape location: A023-029; A079-C111.)

Hearing began at 10:08 a.m. and recessed at 10:09 a.m.

Hearing resumed at 10:13 a.m. and halted at 11:38 a.m.

Testimony in favor by Barry Schultz, Matthew Jumper,
Gertrude Evans, Rinus Baak, Tana Goodwin and Robert Ito.

Testimony in opposition by Nathaniel Cohen and Jan Wiomer.

MOTION BY STALLINGS TO APPROVE THE PROJECT WITH THE
FOLLOWING CONDITIONS: 1) STAFF IS TO CONTINUE TO WORK WITH
THE APPLICANT ON THE REMOVAL OF THE BILLBOARDS; AND 2) THAT
THE APPLICANT BE REQUIRED TO FULLY REVIEW THE FINANCIAL
NEEDS FOR THE BILLBOARDS WITH STAFF WITHIN THREE YEARS.
ACCEPT COUNCIL MEMBER ROBERTS' AMENDMENT TO ACKNOWLEDGE THAT
THERE IS AN EXISTING LEASE AND TO REQUIRE, AS A CONDITION OF
THIS APPROVAL, THAT AT THE END OF THE TERM OF THE LEASE,
THE OWNER NOT RENEW THE AGREEMENT AND THE SIGNS BE REMOVED
AT NO COST TO THE CITY. Second by McCarty. Passed by the
following vote: Mathis-yea, Roberts-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Consideration of amendments to the San Diego Municipal
Code as a part of the Regulatory Relief Program.

(Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution and introduce the proposed
amendments to all three ordinances: the Coastal Development
Permits Ordinance (Subitem G), the Sensitive Coastal Resource
Overlay Zone (Subitem H), and the Child Care Facilities Ordinance
(Subitem CC) as shown in Attachments 1, 2, and 3 of the Planning
Department's Report. The Manager's recommendations concur with
the Planning Commission's recommendations except in the case of
the Coastal Development Permits Ordinance (Subitem G).

Subitem-A: (R-94-) REFERRED TO THE TRANSPORTATION AND
LAND USE COMMITTEE

Adoption of a Resolution certifying that the information contained in Negative Declaration DEP-93-0349 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California

Public Resources Code Section 21081.

Subitem-B: (R-94-1094) REFERRED TO THE TRANSPORTATION
AND LAND USE COMMITTEE

Adoption of a Resolution certifying that the information contained in Negative Declaration DEP-93-0347 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-G: (O-93-178) REFERRED TO THE TRANSPORTATION AND
LAND USE COMMITTEE

Introduction of an Ordinance amending the San Diego Municipal Code relating to Coastal Development Permits.

Subitem-H: (O-93-168) REFERRED TO THE TRANSPORTATION AND
LAND USE COMMITTEE

Introduction of an Ordinance amending the San Diego Municipal Code relating to Sensitive Coastal Resource (SCR) Overlay Zone.

Subitem-CC: (O-94-12 Cor. Copy) INTRODUCED, TO BE ADOPTED
FEBRUARY 22, 1994

Introduction of an Ordinance amending the San Diego Municipal Code relating to Child Care Facilities.

OTHER RECOMMENDATIONS:

Planning Commission voted as follows:

1) 6-0 to recommend denial of Subitem G; 2) 4-1 to recommend approval as amended on Subitem H; and 3) 6-0 to recommend approval as amended on Subitem CC.

The La Jolla Community Association recommends approval of Subitems G & H (as shown on Attachments 1 and 2 of the Planning

Department's Report).

The Torrey Pines Community Planning Group opposes the categorical exclusion of single family and small developments from the Coastal Development Permit Ordinance requirements (Subitem G); and opposes the exemption of minor improvements (less than ten percent of existing gross floor area or building height) from the Sensitive Coastal Resource Overlay Zone requirements (Subitem H).

The Ocean Beach Planning Board passed a motion (12-0-0) to oppose the Regulatory Relief Measures of categorical exclusion of Sensitive Coastal Resource Permits (SCR) and Coastal Development Permits (CDP). The Pacific Beach Planning Committee has endorsed the concept of categorical exclusions from the requirement to obtain a Coastal Development Permit as a part of the Pacific Beach Community Plan update currently underway.

SUPPORTING INFORMATION:

Subitem G: A proposal to add Section 105.0203 and amend Section 105.0204 of the San Diego Municipal Code, relating to Coastal Development Permits (CDP), for the purpose of categorically excluding residential projects of four units or less, and exempting certain minor improvements from the requirement to obtain a CDP. Subitem H: A proposal to amend Section 101.0480 of the San Diego Municipal Code, relating to the Sensitive Coastal Resource (SCR) Overlay Zone, for the purpose of exempting minor improvements from the requirement to obtain a SCR Permit. Subitem CC: (new item) A proposal to amend Section 101.0580 of the San Diego Municipal Code, relating to Child Care Facilities, for the purpose of simplifying the approval process for child care centers located on school premises.

NOTE: Pursuant to Resolution No. R-274498, adopted on October 3, 1989, the Planning Director is authorized and directed to transmit to the California Coastal Commission all amendments to the City's Local Coastal Program which have been adopted by the City Council.

FILE LOCATION: Subitems A,B,G,H: MEET; Subitem CC:
NONE

COUNCIL ACTION: (Tape location: C112-D085;E042-F238.)

Hearing began at 11:38 a.m. and recessed at 12:17 p.m.

Testimony in favor of Subitem CC by Louise Arnold.

Testimony in opposition of Subitem G and H by Walt

Tunnessen, Bill Anderson, Nina McCarthy, Billy Paul, Dennis Tuffin, Robert Burns, Louise Arnold, and William Smith.

MOTION BY ROBERTS TO INTRODUCE THE ORDINANCE FOR SUBITEM CC. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Trailed to afternoon session due to lack of time. Hearing resumed at 2:09 p.m. and halted at 3:08 p.m. Testimony in favor of Subitems G and H by Dick Smith, Richard Merino, and John Ziebarth. Testimony in opposition to Subitems G and H by Dave Odell, Bob Lewis, George Fujimoto, Joanne Pearson, and Mariam Kirby.

Motion by Mathis to refer Subitem G back to the Zoning Code update process for resolution, and at the direction of this Council, the Zoning Code update process is to proceed at the most expeditious speed possible. Second by Stallings. No vote.

SUBSTITUTE MOTION BY ROBERTS TO REFER TO THE T&LU (TRANSPORTATION & LAND USE COMMITTEE), AT THEIR EARLIEST POSSIBLE MEETING, TO INVESTIGATE THE POSSIBILITY OF TURNING THIS PROCESS BACK OVER TO THE COASTAL COMMISSION ON AN INTERIM BASIS; AND TO INVESTIGATE REVIEWING THE FARS (FLOOR AREA RATIOS) FOR PERHAPS A COMPREHENSIVE REVISION WITHIN THIS ENTIRE COASTAL AREA AND TO IDENTIFY ANY OTHER MAJOR ISSUES THAT NEED ADDRESSING PRIOR TO GOING TO A COMPLETE MINISTERIAL APPROVAL. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Transfer of Funds from Neighborhood Services to the "Home in the Heights" Program.

(City Heights Community Area. Districts-3 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1051) ADOPTED AS RESOLUTION R-283355

Reprogramming and transferring the amount of \$150,000 previously allocated to the following three CDBG projects in Fiscal Year 1994 Community Development Block Grant Funds (CDBG) to the Redevelopment Agency for use in the "Home in the Heights" Project of the City Heights Redevelopment Project Fund 98200: \$70,000 from Fund 18529, Department 4049, Organization 4916; \$75,000 from Fund 18529, Department 4049, Organization 4915 and \$5,000 from Fund 18529, Department 4049, Organization 4914.

CITY MANAGER SUPPORTING INFORMATION:

The MCDC Board of Directors is requesting \$150,000 of CDBG funds to supplement other funding for the "Home in the Heights" Program. The funds can be transferred from the Neighborhood Coordinator from salary savings in the Office of Neighborhoods.

Aud. Cert. 9400674.

NOTE: See the Redevelopment Agency Agenda of February 1, 1994 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F571-579.)

MOTION BY KEHOE TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

Pursuant to Government Code Section 54954, Mayor Golding adjourned the meeting at 3:28 p.m. to the State Capitol on February 2, 1994, at 11:30 a.m., for the purpose of discussing legislative or regulatory issues affecting the City of San Diego over which State officials have jurisdiction.

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FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F580-599).